



Reprinted
February 19, 2003

HOUSE BILL No. 1212

DIGEST OF HB 1212 (Updated February 18, 2003 2:55 PM - DI 103)

Citations Affected: IC 24-4.

Synopsis: Purchase and resale of used jewelry by jewelers. Requires jewelers to maintain records identifying articles of used jewelry purchased for resale, the sellers of such jewelry, and the purchasers. Specifies the information to be maintained. Provides penalties for violations.

Effective: July 1, 2003.

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January 8, 2003, read first time and referred to Committee on Commerce and Economic Development.
February 13, 2003, reported — Do Pass.
February 18, 2003, read second time, amended, ordered engrossed.

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HB 1212—LS 7276/DI 108+



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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1212

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulations; consumer sales and credit.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 24-4-13 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2003]:

4 **Chapter 13. Used Jewelry Sales**

5 **Sec. 1. For purposes of this chapter:**

6 (1) "jewelry" means personal ornaments made of precious or
7 base metals and that may or may not contain precious,
8 semiprecious, or imitation stones;

9 (2) "used jewelry" means jewelry previously purchased at
10 retail, acquired by gift, or obtained in some other fashion by
11 a consumer that is later sold to a jeweler by a consumer or
12 person other than a regular commercial supplier of such
13 articles for resale by the jeweler;

14 (3) "jeweler" means a person engaged in the purchase and
15 resale of jewelry;

16 (4) "enforcement authority" means the prosecuting attorney
17 of a county; and

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(5) "person" means an individual, a firm, an association, a limited liability company, a partnership, a joint stock association, a trust, or a corporation.

Sec. 2. A jeweler may not purchase or resell used jewelry except as authorized by this chapter.

Sec. 3. (a) A jeweler shall keep and use in the jeweler's business the books, accounts, and records necessary to determine whether the jeweler is complying with this chapter. A jeweler shall preserve the books, accounts, and records, including cards used in the card system, for at least two (2) years after making the final entry on any purchase recorded. The jeweler shall keep the books and records so that the business of purchasing for resale of used jewelry may be readily separated and distinguished from any other business in which the jeweler is engaged.

(b) If a jeweler, in the conduct of the business, purchases an article of used jewelry from a seller, the purchase shall be evidenced by a bill of sale properly signed by the seller. All bills of sale must be in duplicate and must list the following separate items:

(1) Date of sale.

(2) Amount of consideration.

(3) Name of jeweler.

(4) Description of each article sold. However, if multiple articles of a similar nature are delivered together in one (1) transaction, the description of the articles is adequate if the description contains the quantity of the articles delivered and a physical description of the type of articles delivered, including any unique identifying marks, numbers, names, letters, or special features.

(5) Signature of seller.

(6) Address of seller.

(7) Date of birth of the seller.

(8) The type of government issued identification used to verify the identity of the seller, together with the name of the governmental agency that issued the identification and the identification number present on the government issued identification.

(c) The original copy of the bill of sale shall be retained by the jeweler. The second copy shall be delivered to the seller by the jeweler at the time of sale. The heading on all bill of sale forms must be in boldface type.

Sec. 4. (a) A jeweler shall keep a record in ink or using other methods of recording data, such as electronic or computerized



methods that provide written printouts or hard copies of the required data. The record must include the following:

- (1) The name, date of birth, and address of the seller.
- (2) The date of the transaction.
- (3) The purchase price.
- (4) A description of the articles. However, if multiple articles of a similar nature that do not contain an identification or serial number are delivered together in one (1) transaction, the description of the articles is adequate if the description contains the quantity of the articles delivered and a physical description of the type of articles delivered, including any unique identifying marks, numbers, names, letters, or special features.
- (5) A photo of each article of used jewelry purchased by the jeweler.
- (6) The date on which the used jewelry was sold by the jeweler.
- (7) The total of all charges collected.
- (8) The type of government issued identification used to verify the identity of the seller, together with the name of the governmental agency that issued the identification and the identification number present on the government issued identification.
- (9) The signature and right thumbprint of the seller on the bills of sale or ledger cards retained by the jeweler. If the person is unable to write, the person shall sign by mark. In that event, the jeweler shall record on the record information that will enable the jeweler to identify the person. If the person does not have a right thumb, any other finger may be used. However, a clear print must be obtained.
- (10) The name and address of the purchaser.

(b) The record keeping system of a licensee shall be made available in Indiana for examination. The enforcement authority shall determine the sufficiency of the records and whether the licensee has made the required information reasonably available.

Sec. 5. A jeweler may not:

- (1) purchase used jewelry from an individual less than eighteen (18) years of age; or
- (2) purchase used jewelry that the jeweler believes or should have reason to believe is stolen property acquired as a result of a crime.

Sec. 6. A person who violates this chapter commits a Class A



1 misdemeanor.

2 Sec. 7. The enforcement authority may bring a civil action
3 against a person for violating this chapter. If a court finds that the
4 person has violated this chapter, the court may assess a civil
5 penalty not to exceed five thousand dollars (\$5,000) per violation.

6 Sec. 8. (a) Records and information generated by a jeweler in
7 the course of business are confidential under IC 5-14-3-4.

8 (b) A law enforcement official may obtain or receive records
9 and information described in subsection (a) relating to the
10 purchase of used jewelry for use in investigating crime.

11 (c) Law enforcement officials may disclose the name and
12 address of the jeweler to an adverse claimant in the case of a
13 dispute over ownership of property in possession of the jeweler.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce and Economic Development, to which was referred House Bill 1212, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

STEVENSON, Chair

Committee Vote: yeas 10, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1212 be amended to read as follows:

Page 1, line 17, delete "county and the attorney general;" and insert "**county**;"

(Reference is to HB 121 as printed February 14, 2003.)

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